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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,565	10/30/2003	Henry Dombroski	2421.003	1578
21917	7590	11/17/2005		
MCHALE & SLAVIN, P.A. 2855 PGA BLVD PALM BEACH GARDENS, FL 33410			EXAMINER BELLINGER, JASON R	
			ART UNIT 3617	PAPER NUMBER
DATE MAILED: 11/17/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/699,565	Applicant(s) DOMBROSKI ET AL.	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7 and 9-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7 and 9-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 1 is objected to because of the following informalities: A comma (,) should be inserted after the terms "chamber" and "axle" in line 4 for grammatical clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 11 recites the limitation "said oil seal" in lines 2 and 3. There is insufficient antecedent basis for this limitation in the claim. A specific type of seal has not been previously set forth in the claims. Claim 1 recites that seals are present in the invention, however the specific type of seal has not been described.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1-2 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton in view of Goodell et al ('656). Pendleton shows a pressurized wheel hub 10 including bearings (15-16) that are rotatably securable to an axle 13, and seals 21 (and hub cap 18, which acts as a seal) mounted between the hub 10 and axle 13. The seals (21 & 18) form a closed air space around the bearings (15-16) to form an annular pneumatic chamber coaxially disposed on the axle 13. Also included are means for measuring (namely air valve 20) the amount of pressurized air within the closed air space.

A sleeve 23 is operatively associated with seal 21, and is securable to the axle 13 (through other elements of the seal 21). This sleeve 23 is not disclosed as being a polished sleeve having a machined surface to permit enhanced sealing. However, it is well known in the art that sleeves to be used in conjunction with a seal member require a sufficiently smooth, or machined surface, that is free of burrs or other imperfections in order to properly form an airtight seal with the seal member. Any burrs or imperfections present on the surface of the sleeve would not only prevent the seal member from seating properly against the surface of the sleeve (thus allowing the seal assembly to leak), but could also cause undue damage to the seal member during installation (thus possibly causing premature failure during use). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the sleeve 23 of Pendleton with a polished machined surface in order to prevent undue damage to the seal member (31 & 35), thus preventing premature failure of the seal during use.

Pendleton does not show the wheel hub including an inlet fluidly coupled to a pressurized air source and an outlet coupled to the closed air space. Goodell et al teaches the use of a pressurized wheel hub 14 having a closed air space 36. An inlet 43 is fluidly coupled to a pressurized air source and an outlet 45 is coupled to the closed air space 36. The annular pneumatic chamber 36 is located coaxially along and at an end of an axle 12. The inlet 43 is located outside of a seal 60, while the outlet 45 is located within the closed air space 36. Therefore from this teaching, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the wheel hub of Pendleton with a conduit to a pressurized air source, for the purpose of allowing the pressure within the hub to be automatically adjusted without direct action by an operator (such as physically attaching an air device to the air valve 20).

Pendleton as modified by Goodell et al does not specify the type of air source utilized with the pressurized hub. However, it is well known in the art to use air compressors to provide a source of pressurized air to a sealed chamber. Furthermore, it is well known in the art that air compressors provided on a vehicle body may be powered by a DC energy source already on the vehicle (such as a battery, etc). It is further well known in the art to provide the air compressor on any type of vehicle, be it a trailer or a towing vehicle. Therefore from these teachings, it would have been obvious to provide the wheel hub of Pendleton as modified by Goodell et al with an air compressor powered by a DC energy source, dependent upon availability and cost.

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7. Claims 3-5, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pendleton in view of Goodell et al as applied to claims 1-2, 6, and 9-11 above, and further in view of Hunt et al.

Pendleton as modified by Goodell et al does not specify show a pressure gauge as the means for measuring the pressurized air within the closed air space. Hunt et al teaches the use of a pressure gauge 40 includes a dial face 106 and pressure-indicating needle 104 moving relative to the dial face 106 in direct relation to the air pressure within the closed system. The dial face may be color coded to indicate safe operation of the hub. The pressure gauge would be fluidly coupled to a closed air space.

Therefore from this teaching, it would have been obvious to provide the air valve 20 of Pendleton as modified by Goodell et al, for the purpose of providing a simple and easy way of determining the air pressure within the closed space.

Terminal Disclaimer

8. The terminal disclaimer filed on 14 March 2005 is still under review. Approval or disapproval of the terminal disclaimer will follow in the next office action.

Response to Amendment

9. The declaration filed on 22 August 2005 under 37 CFR 1.131 is sufficient to overcome the Allsop reference.

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10. It should be noted that claim 6 was previously cancelled in the amendment filed 14 March 2005. Therefore claim 6 is still considered to be cancelled, and has not been treated.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Goodell et al references are considered to show a pressurized wheel hub fluidly connected to an outside air source.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

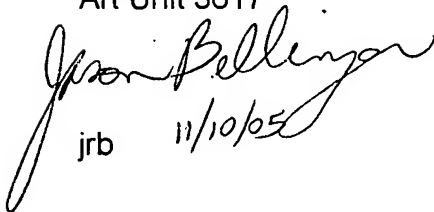
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason R Bellinger
Examiner
Art Unit 3617


jrb 11/10/05


SHERMAN BASINGER
PRIMARY EXAMINER 11/14/05